

**BEFORE  
THE  
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
_____	)	

**ANNUAL CERTIFICATION OF GUAM CELLULAR & PAGING, INC. dba.  
SAIPANCELL COMMUNICATIONS**

Guam Cellular & Paging, Inc. ("Saipanc ell", the "Company") an Eligible Telecommunications Company in the territories of Guam and the islands of Saipan, Tinian and Rota in the Commonwealth of the Northern Mariana Islands hereby provides the Commission with an annual compliance filing containing information as set forth in the Commission's Order in the above-captioned proceeding ("*ETC Certification Order*")<sup>1</sup> and in the Commission orders designating Company as an ETC.<sup>2</sup>

**1. Construction Plan Progress and Use of Support**

Pursuant to the *ETC Certification Order*, Saipancell must "submit... progress reports on the ETC' five-year service quality improvement plan, including maps detailing progress towards meeting its plan targets, an explanation of how much universal service support was received and

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<sup>1</sup> *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, FCC 05-46, March 17, 2005.

<sup>2</sup> See *Federal-State Joint Board on Universal Service, Guam Cellular and Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam*, 17 FCC Rcd 1502, 1506-07 (rel. Jan. 25, 2002) and *Federal-State Joint Board on Universal Service, Guam Cellular and Paging, Inc. d/b/a Saipancell Communications Petition for Designation as an Eligible Telecommunications Carrier for the service area that coves the islands of Saipan, Tinian, and the Rota in the Commonwealth of the Northern Mariana Islands*, 19 FCC Rcd 13872 (rel. July 23, 2004).

<sup>5</sup> See *ETC Certification Order* at p. 7.

how support was used to improve signal quality, coverage, or capacity; and an explanation regarding any network improvement targets that have not been fulfilled.”<sup>5</sup>

Saipancell was first designated as an ETC in Saipan on July 23, 2004. Since that time Saipancell has received a total of \$ . in Universal Service Support. During the same period, Saipancell invested \$ in capital improvements and another \$ in other eligible improvements to infrastructure and services, not counting General and Administrative expenses, for a total of \$

Since the requirement to submit a five-year construction plan is new since Saipancell’s designation in 2002, Saipancell hereby submits its current plan for the next five years (Refer to APPENDIX (A) attached). Saipancell plans

For the period between June 30, 2005 and June 30, 2006, Saipancell

## **2. Outage Reporting**

In the last twelve months Saipancell has not had any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at

least ten percent of the end users served in its designated service area in Saipan, pursuant to the Federal Communications Commission's *Report and Order*.<sup>7</sup>

### **3. Service Requests**

In the last twelve months, there were no unfulfilled requests for service from potential customers within the designated ETC service area. However, Saipancell hereby certifies that it continues to follow the six-step process for provisioning service to requesting customers.

Specifically, in response to such requests for service at a residence or business, Saipancell will take the following steps:

1. If a request comes from a customer within its existing network, Saipancell will provide service immediately using its standard customer equipment.
2. If a request comes from a customer residing in any area where Saipancell does not provide service, Saipancell will take a series of steps to provide service.

- \* First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.

- \* Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

- \* Third, it will determine whether adjustments at the nearest cell site can be made to provide service.

- \* Fourth, it will determine whether there are any other adjustments to network or customer facilities which can be made to provide service.

- \* Fifth, it will explore the possibility of offering the resold service of carriers that

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<sup>7</sup> See *New Part 4 of the Commission's Rules Concerning Disruptions to Communications Report and Order and Further Notice of Proposed Rulemaking*, 199 FCC Rcd 16830, 16923-24, §4.5 (2004) ("Outage Reporting Order")

have facilities available to that location.

\* Sixth, Saipancell will determine whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service. If there is no possibility of providing service short of these measures, Saipancell will notify the customer and notify the FCC of how many requests for service could not be filled in its next annual certification report. The FCC will retain authority to resolve any customer complaints that Saipancell has refused to respond to a reasonable request for service.

#### **4. Consumer Complaints**

In the twelve months prior to June 30, 2006, Saipancell did not receive and is not aware of any consumer complaints having been filed with either the FCC in the designated ETC service area.

#### **5. Commitment to CTIA's Consumer Code for Wireless Services.**

In the *ETC Certification Order*, the FCC reiterated that carriers must commit to abide by the CTIA Consumer Code for Wireless Services.<sup>9</sup> In submitting this report Saipancell certifies

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<sup>9</sup> Under the CTIA Consumer Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. The CTIA Code can be viewed on the Web at [http://www.wow-com.com/pdf/The\\_Code.pdf](http://www.wow-com.com/pdf/The_Code.pdf)

that it will abide by the CTIA Consumer Code for Wireless Services, as it may be amended from time to time, for all of its operations in Saipan.

**6. Ability to Remain Functional in Emergencies.**

The FCC's rules require an ETC applicant to:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.<sup>10</sup>

Saipancell is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Saipancell hereby certifies that the company is capable to function in emergency situations as defined in the above-referenced *ETC Certification Order* via the company's

Saipancell also certifies that the company has an automated notification system and manual procedures for the management of traffic spikes resulting from emergency situations.

**7. Local Usage**

In the *ETC Certification Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by the incumbent LEC in the service areas for which the applicant seeks designation.<sup>11</sup> In the *ETC Report and*

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<sup>10</sup> *ETC Report and Order*, *supra*, 20 FCC Rcd at 6382, para. 25.

<sup>11</sup> *See id.* at 6385, para. 32.

*Order* on which that requirement was based, FCC declined to adopt a specific local usage threshold or require that an applicant match the incumbent's offering. Rather, the FCC concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors. As examples, the FCC mentioned that an applicant may offer "a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area."<sup>12</sup> The FCC also envisioned cases where an applicant may offer an unlimited calling plan that bundles local minutes with long distance minutes.<sup>13</sup>

Saipancell satisfies the FCC's local usage requirement. Customers may choose from a variety of plans with different combinations of local calling areas, included minutes, and monthly rates, to suit individual consumer needs. For example, Saipancell's 1000 Minute Plan which offers 1,000 minutes of calling within a local calling area comprising Saipancell's licensed service area. The plan is available for a monthly price of \$99.00 for a guaranteed 2 -year period. Saipancell also offers a number of usage plans that allow customers to make calls or travel beyond the local calling area without incurring toll or roaming charges. The Various Plans offered by Saipancell all included free expanded home coverage between Saipan, Rota, Tinian, and Guam. Saipancell consumers also receive free Long Distance to the U.S., Alaska, Hawaii, Canada, South Korea, Australia, Hong Kong, and China thereby only incurring airtime charges without additional long distance charges being incurred.

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<sup>12</sup> *Id.* at para. 33

<sup>13</sup> *Id.*

Saipancell's service offering described above allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan. Consumers that travel between Saipan and Guam will benefit from the expanded home coverage and will also be able to make calls to relatives or business associates beyond these areas. Providing deeper geographic reach delivers a significant benefit to the consumer, and the FCC has cited studies concluding that "wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling."<sup>14</sup>

In sum, Saipancell certifies that it offers at least one plan that is comparable to ILEC rate plans under the applicable FCC test.

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<sup>14</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report & Analysis of Competitive Market Conditions with Respect to Commercial Mobile Servs., Ninth Report*, 19 FCC Rcd. 20597, 20684, para. 214 (2004) ("*Ninth CMRS Competition Report*").

8. **Equal Access.**

As required of applicants before the FCC under the *ETC Report and Order*,<sup>15</sup> Saipancell acknowledges that the FCC may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area.

We trust that you will find this to be responsive to the compliance materials requested in the *ETC Certification Order* and in the orders designating Saipancell as an ETC in Saipan. Should you have any questions or require any additional information, please contact the undersigned counsel directly.

Respectfully submitted,

Guam Cellular & Paging, Inc.

By: 

Mark W. Chamberlin  
President  
Guam Cellular & Paging, Inc.  
d/b/a Saipancell

Dated: September 22, 2006

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<sup>15</sup> See *ETC Report and Order*, *supra*, 20 FCC Rcd at 6386, para. 35.




**DECLARATION UNDER PENALTY OF PERJURY**

I, Mark W. Chamberlin, do hereby declare under penalty of perjury as follows:

1. I am the President of Guam Cellular & Paging, Inc. d/b/a Saipancell ("Saipancell")
2. This Affidavit is submitted in support of Saipancell's Annual Compliance Filing and Request for Recertification, pursuant to *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, FCC 05-46 (rel. March 17, 2005) and Sections 54.202 and 54.209 of the FCC's Rules.
3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Filing are true and correct to the best of my knowledge, information and belief.

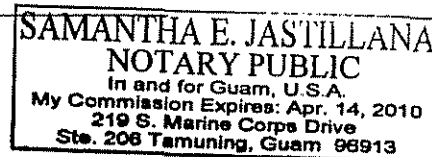
Executed on September 22, 2006

  
\_\_\_\_\_  
Mark W. Chamberlin  
President  
Guam Cellular & Paging, Inc.  
d/b/a Saipancell

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this \_\_\_ day of September, 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



**APPENDIX A**

**THIS EXHIBIT IS WITHHELD FROM THE ELECTRONICALLY SUBMITTED  
VERSION AS THE FILER HAS REQUESTED CONFIDENTIAL TREATMENT**